

### **REMARKS**

Claims 1-26 are pending. By this response, claims 1, 6, 8, 13, 15 and 20 are amended and claims 24-26 added. Reconsideration and allowance based on the above amendments and following remarks are respectively requested.

#### **Allowable Subject Matter**

Applicants appreciate the indication that claims 6-7, 13-14 and 20 contain allowable subject matter and would be allowable if incorporated into independent form and claim limitations of its base claim and intervening claims.

Applicants note that independent claims 1, 8 and 20 have been amended to include allowable subject matter of their respective dependent claims 6, 13 and 20. Therefore, independent claims 1, 8 and 20 are now in condition for allowance.

#### **Prior Art Rejection**

The Office Action rejects claims 1-5, 8-12, 15-19 and 21-23 under 35 U.S.C. § 102(e) as being anticipated by Hashimoto (U.S. 6,704,054). This rejection is respectfully traversed.

As indicated above, independent claims 1, 8 and 20 have been amended to include features of allowable dependent claims. Accordingly, independent claims 1, 8 and 20 are in condition for allowance. Each of their respective dependent claims are also now in condition for allowance. Therefore, the above-noted rejection is now moot. Accordingly, withdrawal of the rejection is respectfully requested.

**Added Dependent Claims 24-26**

Applicants note that dependent claims 24-26 have been added to define the method of determination of an in-focus position recited in dependent claims 4, 11 and 18. As these claims are dependent upon dependent claims and the independent claims are in condition for allowance, the addition of these claims should not disrupt the allowability of the application.

**CONCLUSION**

For the above reasons, Applicants submit that the application is now in condition for allowance. Prompt allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 27, 2006

Respectfully submitted, #40,439

By

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